

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 97-CR-211

CANDELARIO NEVAREZ-DIAZ,

Defendant.

DECISION AND ORDER

Defendant Candelario Nevarez-Diaz (Nevarez-Diaz) has moved for a reduction of sentence pursuant to Amendment 782 to the Sentencing Guidelines which reduced offense levels under Section 2D1.1 of the Guidelines.

Unfortunately for Nevarez-Diaz, as a career offender his sentence was determined under Section 4B1.1 of the Guidelines, and he is therefore not eligible for relief under the Amendment. Because Amendment 782 only amended Section 2D1.1 of the Guidelines—not Section 4B1.1—his offense level remains the same. Accordingly his motion must be denied.

IT IS HEREBY ORDERED THAT:

Nevarez-Diaz's motion for reduction of sentence (ECF No. 444) is **DENIED.**

Dated at Milwaukee, Wisconsin, this 2nd day of June, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge